### UNITED STATES PATENT AND TRADEMARK OFFICE

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### BEFORE THE PATENT TRIAL AND APPEAL BOARD

LAM RESEARCH CORP.,

Petitioner

v.

DANIEL L. FLAMM,

Patent Owner

\_\_\_\_

U.S. Patent No. RE40,264 E

Issued: April 29, 2008

Named Inventor: Daniel L. Flamm

Title: MULTI-TEMPERATURE PROCESSING

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Case IPR2015-1764 Patent RE40,264 E

### PETITIONER'S REPLY

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Alexandria, VA 22313-1450



## **TABLE OF CONTENTS**

TH	E CHA	LLENGED CLAIMS ARE UNPATENTABLE 4
I II.	Е СПА	LLENGED CLAIMS ARE UNFATENTABLE4
A.	51-54	and 1: Claims 27, 28, 30, 33, 35-39, 42, 43, 45, 46, 49, 4, 66, 67, and 69 are Rendered Obvious by Tegal in of Matsumura and Narita under 35 U.S.C. § 103(a)
	1.	The Petition Shows that the Combination of Tegal, Matsumura and Narita Teaches All the Limitations of Independent Claim 27
		a) Tegal and Matsumura Teaches Changing the Temperature Within a Preselected Time
		b) The Petition Did Not Impermissibly Split the Wherein Clause Limitation
	2.	The Combination Uses Matsumura's Controller and Matsumura's Control Recipes in the Tegal System
	3.	The Petition Shows a POSA Would Have Reasons to Combine Tegal, Matsumura, and Narita
	4.	The Petition Shows Independent Claim 37 is Obvious Over Tegal in View of Matsumura, and Narita
	5.	The Petition Shows Independent Claim 51 Is Obvious Over Tegal in View of Matsumura, and Narita
	6.	The Petition Shows Dependent Claims 28, 30, 33, 35, 36, 38, 39, 42, 43, 45, 46, 49, 52-54, 66, 67, and 69 Are Rendered Obvious by Tegal, Matsumura, and Narita



## **TABLE OF AUTHORITIES**

Page(s) Cases Allied Erecting and Dismantling Co., v. Genesis Attachments, LLC, CFMT, Inc. v. Yieldup Intern. Corp., In re Etter. 756 F.2d 852, 859 (Fed. Cir. 1985) ......2 Graham v. John Deere Co. of Kansas City, In re Keller, KSR Int'l. Co. v. Teleflex Inc., MCM PORTFOLIO LLC v. Hewlett-Packard Co., In re Mouttet, In re Ochiai, Sakraida v. Ag. Pro., Inc., In re Sneed, 710 F.2d 1544 (Fed. Cir. 1983) ......2



## **Statutes**

35 U.S.C. § 103	11
35 U.S.C. § 103(a)	1, 4, 21
Rules and Regulations	
37 C.F.R. § 42.104(b)(4)	8, 9



# **EXHIBIT LIST**

Exhibit	Description
1001	U.S. Patent No. RE40,264 (the '264 patent)
1002	European Patent Application Number 90304724.9 (Tegal)
1003	U.S. Patent No. 5,151,871 (Matsumura)
1004	U.S. Patent No. 4,913,790 (Narita)
1005	U.S. Patent No. 4,645,218 (Ooshio)
1006	Declaration of Joseph L. Cecchi, Ph.D.
1007	American Heritage Dictionary, Third Edition, 1993
1008	Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1993
1009	Curriculum Vitae of Joseph L. Cecchi, Ph.D.
1010	'264 Patent Prosecution History, 7/25/2005 Applicant's Response
1011	Daniel L. Flamm and G. Kenneth Herb, "Plasma Etching Technology – An Overview" in <i>Plasma Etching, An</i> <i>Introduction</i> , Dennis M. Manos and Daniel L. Flamm, eds. (Academic Press, San Diego, 1988)
1012	J.W. Coburn and Harold F. Winters, <i>Journal of Vacuum Science</i> and <i>Technology</i> , 16, (1979)
1013	Declaration of Morgan Chu In Support of LAM's Unopposed Motion for <i>Pro Hac Vice</i> Admission
1014	Declaration of Talin Gordnia In Support of LAM's Unopposed Motion for <i>Pro Hac Vice</i> Admission
1015	Declaration of Joseph L. Cecchi, Ph.D. in support of Reply



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